IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21767 of 2004

Between:

Smt.P.Laxmi Devi W/o.Sreeramulu
R/o.Bethamcherla Mandal, Balapalapalli Village,

Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer Kurnool District.
3 The Mandal Revenue Officer, Bethamcherla Mandal, Kurnool

District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in proceedings Rc.B.1464of 2004 dt.10.11.2004 as illegal, arbitrary, malafide against the provisions of Control order 2001 and consequently direct the respondents to restore the authorization of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent and pass.

Counsel for the Petitioner:MR.K.V.CHALAPATHI RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 2nd respondent through proceedings, dated 10.11.2004. Aggrieved thereby, petitioner filed an appeal before the 1st respondent together with an application for grant of stay. Her grievance is that the 1st respondent rejected the application, by making an endorsement on the docket, without hearing the matter or without assigning any reasons.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner has not placed before this Court any order passed by the 1st respondent rejecting the application for grant of stay. In the affidavit filed in support of the Writ Petition, it is stated that the 1st respondent rejected the application for stay on 24.11.2004, by making an endorsement on the docket.

The A.P. State Public Distribution System Control Order, 2001 (for short 'the Control Order') confers power upon the 1st respondent to entertain appeals as well as to pass interim orders in appropriate cases. The discretion vested in the 1st respondent in such matters, has to be exercised objectively. Rejection of an application for stay without assigning reasons may defeat the very purpose of preferring an appeal.

Further, in the order dated, 10.11.2004, there is a specific reference to the proceedings of the Mandal Revenue Officer, dated 04.11.2004. According to the said proceedings, the petitioner was entrusted the distribution for 38 AAY Card Holders, out of whom, 37 beneficiaries are said to have been supplied with the

commodities. The allegation as regards the other Card Holder is yet to be enquired, after giving an opportunity to the petitioner. The other allegations relate to failure to display the stock-board or non-availability of the petitioner in the village. There are no serious allegations of diversion of the essential commodities, for non-supply of the same to the Card Holders.

Hence, having regard to the facts and circumstances of the case, the writ petition is disposed of directing that the order, dated 10.11.2004, passed by the 2nd respondent, shall stand stayed, pending disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 29th November, 2004

Note: Office to furnish copy

by 30.11.2004

(B/o.)

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To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer Kurnool District.

3 The Mandal Revenue Officer, Bethamcherla Mandal, Kurnool District.

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

5 2CD copies.